

S/N 10/749,614

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Brian Alan Grove et al.

Examiner: Mark Fadok

Serial No.: 10/749,614

Group Art Unit: 3625

Filed: December 30, 2003

Docket No.: 2043.033US2

Customer No.: 49845

Confirmation No.: 9853

Title: METHOD AND SYSTEM TO PUBLISH A SELLER FIXED PRICE OFFER

TERMINAL DISCLAIMER

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I, Bradley W. Scheer, am the attorney of record for the above identified patent application as evidenced by the Power of Attorney filed in the present application on December 30, 2003. I am making this petition on behalf of eBay Inc., the assignee of the present invention. As the attorney of record, I am empowered to act on behalf of the assignee and, in accordance with 37 C.F.R. § 1.321(b)(iv), to sign this terminal disclaimer.

Certificate Under 37 C.F.R. § 3.73(b)

Your petitioner, eBay Inc., certifies that they are the owner of the entire right, title and interest in and to the above-identified patent application (U.S. Application Serial No. 10/749,614) and to co-pending Application No. 10/749,625. Your petitioner owns the entire right, title, and interest of these applications by nature of the assignments executed and filed for both of these applications. The assignment for co-pending Application No. 10/749,625 was recorded on November 23, 2004 on Reel 015406, Frames 0381 - 0389, with the United States Patent and Trademark Office. The above-identified patent application (U.S. Application Serial No. 10/749,614) is a co-pending application of Application No. 10/749,625.

The undersigned representative of the assignee has reviewed the evidentiary documents of title and certifies that to the best of assignee's knowledge and belief, title is in the assignee, eBay Inc., seeking to take the action set forth in this disclaimer.

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Terminal Disclaimer

Your petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified patent application, which would extend beyond the expiration date of the full statutory term, as presently shortened by any terminal disclaimers, of any patent which may issue from co-pending Application No. 10/749,625. Petitioner hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to any patent which may issue from co-pending Application No. 10/749,625 and the legal title of the above-identified application and any patent granted thereon remain common, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors and assigns.

Limitations on the Disclaimer

Your petitioner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term as presently shortened by any terminal disclaimer of any patent which may be granted on co-pending Application No. 10/749,625 in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to the expiration date of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title as stated hereinabove. Your petitioner does not disclaim any terminal part of any patent granted on the above-identified application if no patent issues from co-pending Application No. 10/749,625.

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Fee Status

Please charge Deposit Account 19-0743 in the amount of \$140.00 which is required under 37 C.F.R. § 1.20(d) to file a statutory disclaimer. The Commissioner of Patents and Trademarks is hereby authorized to charge any additional fees or deficiencies, or credit any overpayments to Deposit Account No. 19-0743.

Respectfully submitted,

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Date 24 August 2009

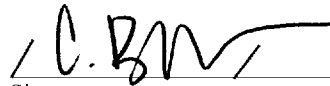
By



Bradley W. Scheer
Reg. No. 47,059

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on August 24th, 2009.

Chris Bartl
Name


Signature